

# RANDAZZA

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## LEGAL GROUP

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October 10, 2023

**Via Electronic Filing and E-Mail**

Hon. Cathy Seibel

The Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse

300 Quarropas Street

White Plains, NY 10601-4150

<chambersnysdseibel@nysd.uscourts.gov>

**Re: *Project Veritas, et al. v. James O'Keefe, et al.*, No. 7:23-cv-04533**

Dear Judge Seibel,

Undersigned counsel has the pleasure of representing Plaintiffs Project Veritas and Project Veritas Action Fund in the above-referenced matter. Pursuant to Fed. R. Civ. P. 4(m) & 6(b), Local Civil Rule 7.1(d), and Your Honor's Individual Practices, § I(E), Plaintiffs move and request the Court a second extension of time for service of the summons and complaint in this matter for **an additional forty-five days, until November 27, 2023**. In support hereof, Plaintiffs state as follows:

1) The Original Date:

The Complaint in this matter was filed May 31, 2023, rendering the original 90-day deadline for service under Rule 4(m) as **August 29, 2023**. By Order of August 23, 2023, the deadline was extended to **October 13, 2023**.

2) The number of previous requests for adjournment or extension, and the reason for those requests:

One previous request was filed on August 23, 2023 (ECF No. 12). The reason for that request was due to a delay in attempts to serve while Plaintiffs and Defendants were engaged in productive discussions to attempt to resolve the case. Those discussions were not successful.

3) Whether these previous requests were granted or denied:

The previous request (ECF No. 12) was granted on August 23, 2023 (ECF No. 13).

4) The reason for the instant request:

Plaintiffs have actively been attempting service on Defendants. Service so far has not been successful. After multiple service attempts at multiple addresses, Plaintiffs have not been able to locate Defendants RC Maxwell and Anthony Iatropoulos at their previously known

addresses or through ordinary means of location. Plaintiffs have hired an investigator to locate alternate locations for service of those Defendants, but fear service will not be completed by the current deadline of October 13, 2023, and may need to seek leave for alternate service.

After multiple unsuccessful attempts to serve Defendant Transparency 1, LLC d/b/a O'Keefe Media Group directly, Plaintiffs have initiated service upon the registered agent and Delaware Secretary of State via Delaware Sheriff's Departments, but fear service will not be completed before the current deadline of October 13, 2023.

Plaintiffs have confirmed the correct service address of Defendant James O'Keefe. Defendant O'Keefe publicly announced that he was served with this lawsuit on September 22, 2023. However, Plaintiffs are concerned that Mr. O'Keefe may claim that service was not perfected. Plaintiffs have made multiple attempts to serve at the address since, but attempts have been unsuccessful. Plaintiffs are now attempting additional and alternate means of service through a new process server to ensure it is perfected, but Plaintiff fears that it will not be completed before October 13, 2023.

Plaintiff believes an additional 45 days at this point would suffice to perfect service. Thus, good cause exists to grant a 45-day extension of the current deadline to serve the Complaint and Summons in this matter.

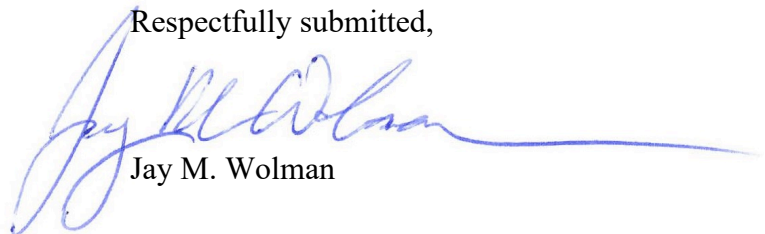
- 5) Whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent:

Plaintiffs are not presently in communication with Defendants, and, thus, their consent could not be sought for this request.

In light of the foregoing, Plaintiffs respectfully request this Honorable Court extend the deadline for service of the Summons and Complaint by 45 days, to November 27, 2023.

Thank you for your attention to this matter.

Respectfully submitted,



Jay M. Wolman